

***United States Court of Appeals
for the Second Circuit***



APPENDIX

77-6129

IN THE UNITED STATES COURT OF APPEALS

FOR THE SECOND CIRCUIT

MONROE COUNTY CONSERVATION COUNCIL, INC.,
and RAY HUTHER, On His Own Behalf and On
Behalf of All Others Similarly Situated,

Plaintiffs-Appellants

-vs-

JOHN A. VOLPE, Individually and As
Secretary of the United States
Department of Transportation,

Defendant-Appellee.

APPENDIX

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APPENDIX

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1 MR. HARRIS: Thank you very much, Mr. TenHagen.
2 We appreciate the opportunity to appear here tonight. I
3 might tell you that we do have a number of witnesses and we
4 will be having them make a presentation. We tried to do a
5 comprehensive job tonight and we will make a complete
6 presentation.

7 Now, formally, my name is Wayne Harris and I am
8 Chairman of the Air and Water Pollution Committee of the
9 Monroe County Conservation Council. The Monroe County
10 Conservation Council represents some 10,000 organized
11 sportsmen and conservationists in Monroe County.

12 The Monroe County Conservation Council is not
13 opposed to the completion of the Outer Loop. The Monroe
14 County Conservation Council, though, is opposed to the
15 completion of the Outer Loop by running the highway
16 through Genesee Valley Park.

17 The Monroe County Conservation Council recommends
18 and favors a highway design which causes the completion of
19 the Outer Loop by having a tunnel go underneath the Genesee
20 Valley Park.

21 I wish to raise objections to this hearing being
22 held tonight since the requirements of the Federal-Aide
23 Highway Act and Department of Transportation Act have not
24 been complied with. There has been a failure to comply with
25 the requirements of these Acts in that the Acts require a

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1 solicitation of the views of the public groups who are
2 specifically interested in this project, or who would, of
3 necessity, be interested in this project.

4 No contact has been made by the State Highway
5 Department or the Federal Highway Department to secure the
6 views of Action For A Better Community, Fight, The Youth of
7 our Student Organization, ^{ACT FORCE} ~~Act IV~~, and/or the Monroe County
8 Conservation Council. All of these said groups are
9 materially interested in this roadway since it affects
10 members of their organization.

11 It is impossible for the State or Federal Highway
12 Department not to know that the Monroe County Conservation
13 Council is and has been specifically interested in this
14 highway since the Monroe County Conservation Council was the
15 organization which maintained a lawsuit against the Secretary
16 of the United States, Department of Transportation, to
17 prevent the road which is here at issue being constructed
18 through the park.

19 I have a number of witnesses that I would now
20 like to call to testify at this hearing, to set forth other
21 serious failures to comply with the requirements of the
22 Federal-Aide to the Highway Act and the Transportation Act.
23 Some of these witnesses will also express their position of
24 the organization which they represent at the time that they
25 testify. I might say that we have no objection to the

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1 bikeway that's been shown here today and so that's no part
2 of our presentation.

3 As our first witness, I would like to call Mr.
4 Hugh Mitchell. Hugh, would you come up here?

5 (Witness complies.)

6 MR. HARRIS: Mr. Mitchell, for the record, will
7 you state your name, please?

8 MR. MITCHELL: Right. Hugh B. Mitchell.

9 MR. HARRIS: And where do you reside?

10 MR. MITCHELL: I reside at 147 Hillside Avenue in
11 Rochester, New York.

12 MR. HARRIS: And by whom are you employed and in
13 what capacity?

14 MR. MITCHELL: I'm employed by the Convalescent
15 Hospital for Children as a social worker at the Inner City
16 Child Guidance Clinic. I'm a psychiatric social worker.

17 MR. HARRIS: And would you tell us what your
18 educational background is?

19 MR. MITCHELL: Yes. Besides a B.A., I hold a
20 M.A. in dramatize. I've studied social work and hold an
21 M.S.W. in social case work and I've also studied a year of
22 social policy and administration at the Lenox School of
23 Economics in New York.

24 MR. HARRIS: What organization do you represent
25 here tonight?

1 MR. MITCHELL: Here I am speaking as President
2 of the Action for Environment Organization.

3 MR. HARRIS: And what is the position of that
4 organization relative to the completion of the roadway
5 through the park?

6 MR. MITCHELL: The basic statement that I'm going
7 to make after our slide presentation, but the basic position
8 of the group is that we feel there is no way that you can
9 build a surface road through this park and that we feel the
10 park is the most important Inner City facility and must be
11 preserved.

12 MR. HARRIS: Now, Mr. Mitchell, in your testimony
13 here, is this testimony based upon the information you have
14 as to the manner in which this roadway progresses through
15 the park as shown in the Impact Statement which you
16 received from the Department of Transportation?

17 MR. MITCHELL: Yes, it is, and we've read the two
18 documents and studied them closely, the Impact Statement.
19 I might say that certain changes were made in those slides
20 from the Impact Statement.

21 MR. HARRIS: Mr. Mitchell, are those -- I'm showing
22 you these now -- Volume I, Environmental Impact Statement,
23 Rochester Outer Loop, Scottsville Road to Winton Road, and
24 Volume II, with the same statement, Environmental Impact
25 Statement, Rochester Outer Loop, Scottsville Road to Winton

1 Road. Are those --

2 MR. MITCHELL: Those are the two, correct.

3 MR. HARRIS: And they're stated at the bottom,
4 State of New York Department of Transportation, both of
5 them?

6 MR. MITCHELL: Right, that's the ones.

7 MR. HARRIS: Okay. Now, would you go, please,
8 and first identify -- you're going to utilize a map so that
9 you can --

10 MR. MITCHELL: Maps.

11 MR. HARRIS: Maps, and also slides?

12 MR. MITCHELL: Right. This is a map of the City
13 of Rochester, the southern section -- you can't see it
14 because of the lights. First we're going to go to the maps.
15 We will identify the maps which will be introduced in the
16 testimony. Those are the ones up here on the board and will
17 be so marked.

18 VOICE: Get a flashlight.

19 MR. HARRIS: Mr. Mitchell and Mr. TenHagen, may
20 we mark this as Exhibit A.

21 (Laughter)

22 MR. TENHAGEN: Will all of you please let Mr.
23 Harris proceed with his presentation. Try to not disturb him.
24 There is no way we can make a time limit. He has promised me
25 he would be as quick as he could and get his whole message

1 across.

2 VOICES: (Inaudible)

3 MRS. TEN HAGEN: Okay, let's be quiet. The sooner
4 we get going, the sooner we'll get to everybody else. Okay?

5 MR. HARRIS: Mr. TenHagen, for the record, is it
6 agreeable that we mark this map Exhibit A.

7 MR. TEN HAGEN: Sure.

8 (The document referred to
9 was marked Exhibit A for
10 identification.)

11 MR. HARRIS: Now, Mr. Mitchell, would you -- can
12 you go now to the first slide, sir?

13 MR. MITCHELL: Right. Okay, we have a series of
14 slides here that will identify this park area. The one up
15 on the board is the area taken of the Genesee Valley Park,
16 the river, and the city, at the top part of the slide.

17 MR. HARRIS: In looking to the -- this slide --
18 and looking to the north, does it show the road through the
19 Genesee Valley Park which will be eliminated by the proposed
20 roadway as designed and shown in the Environmental Impact
21 Statement?

22 MR. MITCHELL: Yes, that's the part on the
23 bottom -- the bottom part of the slide.

24 MR. HARRIS: And it specifically shows the bridge
25 across the Barge Canal, does it not?

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1 MR. MITCHELL: Yes, sir, the bridge on the north-
2 south park area.

3 MR. HARRIS: All right. And may we call that
4 slide one?

5 MR. MITCHELL: Yes, slide one. This second
6 photograph is taken looking eastward and it shows both the
7 area of the Outer Loop and the Genesee Valley Park which was
8 sold to the University of Rochester.

9 MR. HARRIS: Does this also show the Barge Canal
10 running triangular across the photograph and just to the
11 south of that the area in which the roadway will pass?

12 MR. MITCHELL: Yes, sir.

13 MR. HARRIS: Okay, would you go on? We'll call
14 this Slide Number 2?

15 MR. MITCHELL: Slide 2.

16 MR. HARRIS: Would you tell us what --

17 MR. MITCHELL: Can you focus this up a little bit?
18 It's a little out of focus.

19 (Laughter)

20 MR. HARRIS: Would you tell us what this is?

21 MR. MITCHELL: This is a junction of the Barge
22 Canal and Genesee River. We're looking westward across the
23 Genesee River. That abutment there in the center is the
24 exact location of the bridge to come across the river, and it
25 shows the picnic area which will be destroyed by the dam

1 Outer Loop.

2 VOICE: Oh, come on.

3 MR. HARRIS: Approximately when were these
4 photographs taken, Mr. Mitchell?

5 MR. MITCHELL: Between 1970 and 1973.

6 MR. HARRIS: All right, would you go on? Will you
7 mark this Slide No. 3?

8 (So marked.)

9 VOICE: Need a counter?

10 MR. MITCHELL: This is showing the area of the
11 river from the east bank where the bridge will come across.
12 It also shows on the other side the picnic area which will be
13 destroyed.

14 MR. HARRIS: May we have this marked, then,
15 Slide No. 4?

16 (So marked.)

17 MR. HARRIS: Would you go on, Mr. Mitchell?

18 MR. MITCHELL: This is the area of the golf course,
19 the seventh green of the eighth tee, and it also shows the
20 area to be destroyed by the Outer Loop.

21 MR. HARRIS: May we mark this Slide No. 5?

22 (So marked.)

23 MR. HARRIS: Would you tell us what this is, Mr.
24 Mitchell?

25 MR. MITCHELL: This is a slide looking westward

1 again -- we're a little out of focus again -- towards the
2 golf course and standing right in the center of the area the
3 Outer Loop will pass through and totally destroy it.

4 MR. HARRIS: And this will be marked as Slide
5 No. 6.

6 (So marked.)

7 MR. MITCHELL: And also my comment on this slide,
8 there's approximately 40 trees that I could count that would
9 be destroyed by the Outer Loop.

10 MR. HARRIS: Can we have the next slide?

11 MR. MITCHELL: All right, this is a slide again
12 looking westward and standing in the middle of the heavily
13 forest section which will be destroyed by the Outer Loop.
14 There's over 50 to 70 trees that would be knocked down in
15 this immediate area as shown on the slide.

16 MR. HARRIS: Making reference to Slide No. 7?

17 MR. MITCHELL: Right.

18 MR. HARRIS: Would you go on?

19 VOICE: Slide No. 7 is nothing but weeds.

20 (Laughter and clapping)

21 VOICE: If you can't be civilized enough to let
22 these people make their presentation, don't say anything at
23 all. You're just as bad as that other group of people that
24 were in here.

25 (Clapping)

1 MR. MITCHELL: This is a slide in the middle of
2 a heavily forest section. It shows the center of the Outer
3 Loop as it was surveyed by the City Task Force on the Outer
4 Loop. Those holes there are the surveyor marks which
5 indicate the center of a six line road, that would be a six-
6 lane road -- it would be three lanes to the left and three
7 lanes to the right. This total area will be destroyed by
8 the Outer Loop.

9 MR. HARRIS: Mr. Mitchell, to your knowledge, in
10 this area -- is this area used by family and by children?

11 MR. MITCHELL: And also bicyclists. It's
12 primarily used by hikers and walkers recreationally.

13 MR. HARRIS: And this would be then marked Slide
14 No. 8.

15 (So marked.)

16 MR. HARRIS: Could you go on, Mr. Mitchell?

17 MR. MITCHELL: This slide shows the confluence of
18 the Red Creek and the Barge Canal. It's standing on the
19 north bank of the canal looking southward and this total
20 area would be destroyed by the Outer Loop.

21 MR. HARRIS: In this picture, do you show people
22 fishing in this particular area?

23 MR. MITCHELL: Down in the lower left corner you
24 can see some of the people using the Barge Canal for fishing.

25 MR. HARRIS: All right. And that is Slide No. 9?

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1 MR. MITCHELL: Right.

2 MR. HARRIS: Would you tell us what this slide is?

3 MR. MITCHELL: This is a slide of the Red Creek
4 Bridge and the Red Creek, and some of the tree areas that
5 will be destroyed by the Outer Loop. That bridge will be
6 removed and the northern edge of the bridge forms the
7 edge of the Outer Loop project. That total area will be
8 desolated. All those tress will be destroyed.

9 MR. HARRIS: May we then mark this Slide No. 10?

10 (So marked.)

11 MR. MITCHELL: This is the area along the edge of
12 the Barge Canal moving east of the Red Creek Bridge and this
13 area will be the center of the northern edge of the Outer
14 Loop and it will also be taken by the Outer Loop construc-
15 tion.

16 MR. HARRIS: This will be marked Slide No. 11.

17 MR. MITCHELL: This is an area taken off the
18 Park Road Bridge looking south. On the lower right-hand
19 corner you'll see the Barge Canal. On the upper left you'll
20 see these islands that now exist and the tree forest in the
21 park which would be totally removed by the Outer Loop as I
22 understand this whole surface area will be dug out to an
23 area of two feet below the Barge Canal level, so that whole
24 left side will be removed.

25 MR. HARRIS: That is Slide No. 12?

1 MR. MITCHELL: Right. This is another shot of
2 the hillside area and part of the Park Road Bridge which
3 would be removed.

4 MR. HARRIS: And that would be Slide No. 13.

5 MR. MITCHELL: This is the Park Road Bridge which
6 in this transit I examined was slated to be removed and
7 demolished.

8 MR. HARRIS: And this is the bridge that provides
9 access presently through the Genesee Valley Park from the
10 portion which is north of the Barge Canal to the southern
11 portion; isn't that correct?

12 MR. MITCHELL: Yes, that's correct.

13 MR. HARRIS: And that would be Slide No. 14.

14 MR. MITCHELL: This is Slide 15 now showing the
15 area slightly to the east of the Park Road Bridge, and,
16 again, the heavy forest area would be removed by the Outer
17 Loop.

18 MR. HARRIS: All right, could you go on, Mr.
19 Mitchell?

20 MR. MITCHELL: Now, this is the area where the
21 Outer Loop would be moving out of the park section. It is
22 still showing the park. The extreme left-hand side is the
23 eastern end of the park and this also will be the section
24 used by the Outer Loop.

25 MR. HARRIS: All right. Is that Slide No. 16, Mr.

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1 Mitchell?

2 MR. MITCHELL: This shows the Barge Canal and some
3 of the recreational uses of it, quote, "This is the con-
4 fluence of the Genesee River and the Barge Canal and one
5 of the walking bridges over the Barge Canal."

6 MR. HARRIS: And that may be marked Slide No. 17.

7 MR. MITCHELL: Showing general uses of the Barge
8 Canal.

9 This one shows fishing on the edge of the Barge
10 Canal and the confluence with the Genesee River.

11 MR. HARRIS: And this is Slide No. 18?

12 MR. MITCHELL: Right. This shows another use of
13 the Genesee Park, bicycling along the edge of the park and
14 the river.

15 MR. HARRIS: And this would be Slide No. 19. Is
16 this the general area where the -- Mr. Mitchell, where the
17 road will be?

18 MR. MITCHELL: That's to the north of the road.

19 MR. HARRIS: Right. Go on.

20 MR. MITCHELL: This is another shot of the
21 people picnicing along the edge of the river. It shows
22 another use of the park.

23 MR. HARRIS: Is there any mention that you
24 saw in the State's report as to heavy use by people of the
25 park?

1 MR. MITCHELL: No, I don't think I saw that.

2 MR. HARRIS: All right. Would you go on?

3 MR. MITCHELL: This shows some of the Inner City
4 people using the Genesee Park. That's a statue of the
5 founder of the park system and this is in the 37 acres which
6 was purchased by the University of Rochester, an arrangement
7 which was connected with the Outer Loop project.

8 MR. HARRIS: Right. And this would be Slide No.
9 21. Would you go on?

10 MR. MITCHELL: In conjunction with a statement
11 I'm going to make in a minute, but this is one of a family
12 picnicing together, because I want to document that this is
13 an Inner City family using the park.

14 This is a shot taken in a 37-acre area of one of
15 the rallies that we had to try to preserve this park. These
16 are some of the students and some of the park users who are
17 protesting the loss of 37 acres and they're protesting the
18 Outer Loop coming through this area.

19 MR. HARRIS: This is Slide No. 22.

20 MR. MITCHELL: This slide shows one of the ball-
21 fields adjacent to the Outer Loop. It shows some of the
22 Inner City people using the ballfield. The Outer Loop will
23 be at the back area of this ballfield, and those trees, I
24 think, will be removed.

25 MR. HARRIS: This is Slide No. 23?

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1 MR. MITCHELL: 23. Here's an Inner City family
2 using the park area near where the Outer Loop will come
3 through.

4 MR. HARRIS: Right. Would you go on, Mr.
5 Mitchell? Is that Slide No. 24?

6 MR. MITCHELL: 24. This is some of the black
7 families using the area next to one of the park roads,
8 again indicating that (rest inaudible) and it is heavily
9 used by Inner City people.

10 MR. HARRIS: All right. Next is Slide No. 25.

11 MR. MITCHELL: Again, an Inner City family
12 picnicing near the area of the Outer Loop.

13 MR. HARRIS: And this is Slide No. 26.

14 MR. MITCHELL: This shot, Slide No. 27, is taken
15 immediately in the middle of the area which will be removed
16 by the Outer Loop near the Red Creek Bridge and it shows
17 some of the Inner City people who park their cars in the
18 area and picnic in the area.

19 MR. HARRIS: Slide No. 28.

20 MR. MITCHELL: The 28 slide, this one shows some
21 of the people picnicing and using the edge of the Barge
22 Canal. Immediately adjacent to the area it is slated that
23 the Outer Loop will come through.

24 MR. HARRIS: All right. Would you go on, Mr.
25 Mitchell?

1 MR. MITCHELL: The center of this slide would be
2 the southern area -- southern edge of the Outer Loop and it
3 shows where people park their cars and walk in the area, and
4 so on.

5 MR. HARRIS: All right. And this is Slide 29.

6 MR. MITCHELL: All right. This is Slide 30.
7 Again, it shows the Red Creek Bridge at the top and some of
8 the black children use the park, some of the families at the
9 top part picnicing right in the area adjacent to where the
10 Outer Loop would go through.

11 MR. HARRIS: And that's Slide No. 30?

12 MR. MITCHELL: Yes. And this is a slide which
13 shows the Inner City -- could you focus it up a little bit
14 -- okay -- now, at the top part of the slide you see where
15 the cars are parked and where people are picnicing right
16 there. The center of the slide shows the immediate southern
17 edge of the Outer Loop project.

18 MR. HARRIS: Does that conclude your slides, Mr.
19 Mitchell?

20 MR. MITCHELL: This is the last slide here. It
21 shows some of the black Inner City children who heavily
22 use this park. We have statistics to indicate how much
23 use there is, and you can document it through the Slate
24 (phonetic) Associates study of the Genesee Valley Park
25 useage. This was a study of recreational use funded by the

1 Monroe County recreation -- Monroe County recreational
2 study.

3 MR. HARRIS: This is Slide No. 32?

4 MR. MITCHELL: - Right.

5 MR. HARRIS: Mr. Mitchell, did you make a map on
6 which you marked the areas where you took these pictures that
7 you just showed to us?

8 MR. MITCHELL: Yes, it's marked on there.

9 MR. HARRIS: Can we mark this map No. B, and that
10 has the location for all of these pictures that you mentioned;
11 is that correct?

12 MR. MITCHELL: That's correct.

13 MR. HARRIS: Mr. Mitchell, by who is the park most
14 used?

15 MR. MITCHELL: There's no question that the black
16 people and the Inner City people are those who most heavily
17 use this acreage, and I have some documentation on that if
18 you want to read them. The Slade Research Associate Study of
19 1971 entitled "Monroe County Leisure Time Study." These are
20 some of the pertinent facts, just -- not all of them but I
21 want to read some into the read," (a), ^{of} ^{subgroup} the ~~suburb~~ study,
22 those are the greatest hours available for recreation for
23 Inner City people, non-whites; lowest income groups, and
24 lowest education groups; (b), the percentage of time this
25 group devoted to visiting Monroe County parks is reported as

1 ranging from 12 to 35 percent as the percent of their
2 leisure time to devote to park use; (c), a specific measure
3 was made by the Slade Research people to come up with the
4 percentage of time. The percentage is non-white males and
5 females who use the Genesee Valley Park," that is those
6 surveyed -- those non-white male and females who were
7 surveyed by the Slade Group, they found that 70 percent of
8 them use the Genesee Valley Park, and finally, (d), "most of
9 the Inner City residents surveyed by the study, the per-
10 centage who use the Genesee Valley Park was found to be 52
11 percent." In other words, of all the Inner City residents
12 surveyed, 52 percent use the Genesee Valley Park.

13 MR. HARRIS: Do you have any direct observations
14 as to the use of this park?

15 MR. MITCHELL: The Actfore Group has been working
16 on this park for at least five years, since 1970, and we've
17 made out petitions in the park, we frequently made studies
18 of it, we photographed it. We had a great many observations
19 of the people who use this park.

20 MR. HARRIS: Do you live in the area or did you
21 frequent it yourself over the years?

22 MR. MITCHELL: I used to live in the area. I no
23 longer do. I have studied the area.

24 (Clapping)

25 MR. HARRIS: Mr. Mitchell, do you have petitions

1 relative to the opposition to the road through the park?

2 MR. MITCHELL: Petitions have been taken and
3 oppositions to the road through the park, and opposition to
4 the University of Rochester to purchase. I'm going to
5 present some of these petitions to the Department tonight.

6 MR. HARRIS: And what do the total numbers of
7 those petitions -- names total to?

8 MR. MITCHELL: Petitions were taken up in two
9 separate areas. First of all, the petitions to the City
10 Council, which were taken in opposition to the University of
11 Rochester purchase of the 37 acres of the Genesee Park, and
12 they were taken between 1971 and 1973, a total of 2,649 names
13 have been collected on a document tonight -- those that
14 haven't been turned in already, a document of 1,323 names.
15 The second collection of petitions we'll turn in tonight are
16 those specifically that goes to the use of the park for the
17 Outer Loop through the park area. One of them says to
18 design the Outer Loop so there will be no environmental
19 damage to Genesee Valley Park. That petition numbers
20 2,548 names, and I will present that to the Department
21 tonight.

22 MR. HARRIS: Do you have any Actfore petitions,
23 also?

24 MR. MITCHELL: Those are the Actfore petitions.

25 MR. HARRIS: All right. Now, do you have any

1 knowledge of Cobbs Hill Park?

2 MR. MITCHELL: Yes, the Actfore Group is the
3 Parks and Land View Group and we've studied Cobbs Hill Park,
4 as well. I've made excessive walking studies of it. A number
5 of neighborhood groups in the area, who have studied the
6 overuse of Cobbs Hill Park, and I can testify as to that
7 park, as well.

8 MR. HARRIS: What documentation do you have of
9 this concerning the neighborhood groups over the uses of Cobbs
10 Hill Park and the overcrowding?

11 MR. MITCHELL: I have a statement here that I want
12 to enter into the record, also, from the Winton-Cobbs Hill
13 Neighborhood Association and it's signed William M. Tickner
14 (phonetic). It's just a brief statement which shows how the
15 park is overused, resume', and how it can't take anymore
16 useage of city residents to use the Cobbs Hill Park. I'm not
17 going to read the whole statement but I want you to have the
18 gist of it.

19 VOICE: What's that got to do with --

20 MR. MITCHELL: "During the last four years, Cobbs
21 Hill Park became super-saturated through the short sight
22 action of the City Recreation Bureau. Soccer and softball
23 leagues are permitted to use the area without regard to the
24 lack of parking facilities, toilet facilities, water founda-
25 tions, and so on. No recreational personnel were assigned

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1 duty on weekends and many turned to area residents for
2 neighborhood use of telephones and so on." The park is
3 overused and residents want athletics, the athletic leagues,
4 transferred to areas which can accommodate them better than
5 Cobbs Hill without having Cobbs Hill destroyed in the
6 process.

7 MR. HARRIS: Now, Mr. Mitchell, is Cobbs Hill
8 Park the nearest park that has comparable facilities to the
9 Genesee Valley Park; that is, does it have ball diamonds,
10 whereas Genesee Valley Park had ball diamonds. Does it
11 have some comparable facilities, that being the nearest park?

12 MR. MITCHELL: Right. We made a study in Exhibit
13 A, which we turned in to the record. A number of parks on
14 the southern part of the city and the only comparable park
15 which has ball diamonds, some water facilities, is Cobbs
16 Hill Park.

17 MR. HARRIS: Now, Mr. Mitchell, in your view of
18 the State's Impact Statement, did you find any reference to
19 the social economic impact upon the people in the 3rd, 19th,
20 and 11th Wards of this particular project?

21 MR. MITCHELL: No, we didn't find any significant
22 reference at all to the social work, not with impact, on the
23 people of the city.

24 MR. HARRIS: Would you -- could you tell us what,
25 and give us the reason for your opinion, of what some of the

1 social impacts will be upon people?

2 MR. MITCHELL: As I said, I'm a psychiatric
3 social worker, working with the Inner City people extensively,
4 and I have knowledge of the families and of the problems of
5 the Inner City, both black and white people. It's my
6 impression, as a professional social worker, that if this
7 park were lost it would be doing severe psychological and
8 moral damage to the Inner City. I think you've seen from the
9 demonstration tonight that the people feel that they are being
10 ripped off, they are being trapped, they are being deprived
11 of decent housing, good education, adequate jobs, and the
12 loss of their own park will be one more loss and one more
13 blow to their self image and self esteem. It will increase
14 their sense of isolation, further rendering this city and the
15 suburban areas separate and will increase the racial tension
16 of the city and Monroe County areas.

17 MR. HARRIS: Would you say that there is a
18 connection between the emotional privacy in the families that
19 you work with and their environment?

20 MR. MITCHELL: Yes, I think there is, because, as
21 I said, they will feel more trapped and more isolated if
22 they're deprived of the use of this environment.

23 VOICE: Question. How many white people use --
24 he's overstating --

25 (Commotion)

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1 MR. TEN HAGEN: Please, you're all going have
2 your opportunity to speak and you'll also have your
3 opportunity -- please allow him to finish his presentation.

4 VOICE: We have a number of witnesses here that
5 say it's a public hearing. We have six more witnesses to go.

6 VOICE: The -- I thought that park belonged to
7 the County, not the city people.

8 MR. HARRIS: Mr. Mitchell, would you have a
9 statement as far as your organization is concerned?

10 MR. MITCHELL: The basic statement of the Action
11 for Environment Group, which I represent, it involves the
12 question around the construction of Alternate A, as demon-
13 strated tonight on these slides. The Outer Loop Park, we
14 feel, is a great deal more damage to the park and to the
15 city than merely the loss of what they claim is 10 to 28
16 acres. If Alternate A goes through the park, we're not
17 talking just about 10 to 28 acres. At the very least, we're
18 talking of destruction of the vicinity of the Outer Loop of
19 20 acres. The project is also very closely tied into the
20 purchase by the University of Rochester, of the 37 acres to
21 the north, and it's a historical fact that the University
22 officials' use of the fact of the Outer Loop Plans to
23 purchase the 37 acres. Park Director Grant has a statement
24 from August, 1970, to the effect, that the sale of the 37
25 acres of Genesee Valley Park to the University of Rochester

1 was "predicated upon the construction of the Outer Loop which
2 will sever the section of the park lying north of the canal."
3 The University, when they announced their plans to buy the
4 37 acres, also said that one of the main reasons for this
5 purchase was because the northern part of the park was no
6 longer useful for park purposes. I wish you could find that
7 in the slides which were shown tonight.

8 Now, secondly, the Action for Environment Group
9 wants to comment on some of the other details presented, some
10 of them for the first time tonight. The Kendrick Drive --
11 Road -- shall extend the traffic from the Astor (phonetic)
12 Building Towers, across the canal. We don't have any
13 objection to it but we feel there's no substitute for direct
14 access from Mullen (phonetic) Avenue. I think there will be
15 important considerations that, say, to a direct access from
16 the city to the southern part of the park must be maintained.

17 Regarding the hiking/biking pass along the Barge
18 Canal, we were one of the first groups to suggest this. A
19 Bill was introduced in the State Legislature in 1971 to
20 arrive at this positive benefit to the city. The land is
21 already recreational and we fully expect to get this land as
22 a hiking/biking trail without a tradeoff with the Outer
23 Loop .

24 The suggestions made before City Council that the
25 Genesee Expressway Plan, which was condemned by the State

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1 Department in the city area, should be swapped back to the
2 city for park purposes. This is, again, no tradeoff for the
3 Genesee Valley Park Plan.

4 In effect, what we're saying is that there is no
5 alternative to a fully developed Inner City park, and we feel
6 the park must be preserved. There's only one way in which I
7 can conceive of preserving the area and still willing the
8 Outer Loop, which we do not oppose, and that is a tunnel
9 under the park.

10 That's the essential position of this group, and
11 I wish you would support the case that we've made on this.

12 MR. HARRIS: Thank you very much, Mr. Mitchell.
13 I'd like to call Mr. Stewart Carter.

14 Mr. Carter, for the record, would you state your
15 name, please?

16 MR. CARTER: Stewart G. Carter.

17 MR. HARRIS: And where do you work, sir?

18 MR. CARTER: I work at Travelers Insurance Company.

19 MR. HARRIS: And what is your educational back-
20 ground?

21 MR. CARTER: I have a B.A. in Biology.

22 MR. HARRIS: And what organization do you belong
23 to?

24 MR. CARTER: The Genesee Valley Chapter of the
25 Adirondack Mountain Club.

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1 MR. HARRIS: And what is the position of your
2 organization, sir?

3 MR. CARTER: The Executive Committee of this
4 Chapter of ADK (phonetic) voted seven to one as being
5 opposed to the Viaduct alternative for the completion of the
6 Outer Loop. They feel that the park land is too valuable
7 to sacrifice to a highway, and that the eleven acres of land
8 should be saved at any expense. That, stated as briefly as
9 I could, is the position of the Executive Committee of the
10 Genesee Valley Chapter of the Adirondack Mountain Club.

11 VOICE: Well, that could amount to nothing.

12 MR. HARRIS: Did you obtain certain maps relative
13 to the recreational areas available to the general public
14 from the 3rd Ward?

15 MR. CARTER: Yes, I did.

16 MR. HARRIS: And do you have that map with you?

17 MR. CARTER: Yes, I do.

18 MR. HARRIS: May we mark that, then, Exhibit C.

19 (So marked.)

20 MR. HARRIS: Okay. Would you explain that
21 particular map?

22 MR. CARTER: That map shows that there is virtually
23 no open space in the 3rd and the 19th Wards for recreational
24 purposes. The Genesee Valley Park is the only place they
25 have, with the minor exception of the Wilson Playground which

1 is heavily used by the Genesee High School and Jefferson
2 High School. It's just a small square of grass.

3 MR. HARRIS: Mr. Carter, does this map show the
4 different park areas within the Rochester community?

5 MR. CARTER: Yes, it does.

6 MR. HARRIS: Now, Mr. Carter, could I ask you to
7 examine the State's proposal for this highway and determine
8 whether it made any provision for surveillance, that is
9 police surveillance, along the walkway which is provided
10 along the Genesee River?

11 MR. CARTER: As you know, police surveillance is
12 one of the most -- one of the most effective ways of
13 controlling crime in any area, with any architectural design.
14 With the present construction of the Outer Loop, as is
15 outlined in the Statement, the surveillance of the bikeway/
16 hiking path from Elmwood Avenue to the south side of the
17 park would be gone because the park road will be cut off,
18 according to the Impact Statement that we had in our hands,
19 and, of course, there will be, naturally, no surveillance --
20 and surveillance would be very difficult -- I shouldn't say
21 absolutely -- surveillance would be very difficult from any
22 police cars that would have to be cruising by on the top of
23 the viaduct. It would be almost impossible to detect any
24 activity in the pathway underneath the viaduct.

25 MR. HARRIS: That would be the pathway that the

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1 children would have to use if they were to go from Elmwood
2 Avenue to cross from the north portion of what was Genesee
3 Valley Park to what is left of it after the roadway; isn't
4 that true?

5 MR. CARTER: That is correct.

6 MR. HARRIS: Mr. Carter, you stated that
7 surveillance is one of the most important things. Can you
8 tell us how you determine -- how you secured that information?

9 MR. CARTER: The study I did started with the
10 Sheriff's Department and with several referrals and several
11 jumps, I finally found myself at the Pilot City's projects
12 at the University of Rochester, Hopeman (phonetic) Hall --
13 Hopeman Building. From there, I was able to get further
14 reference material and I consulted the library. Some of
15 the books and journals that I have researched are as
16 follows -- I will be brief: The most important journal that
17 I used as reference was a monograph entitled "Residential
18 Security" and it was done for the Law Enforcement Adminis-
19 tration Agency. The study was done by Project Staff
20 Director Arnold Sagaling (phonetic) and that was in
21 December, 1973.

22 I also used Oscar Newman's book, The Defensible
23 Species. Oscar Newman is a recognized expert in the field
24 of architectural design as associated with crime incidents.

25 I also used the U.S. Department of Justice Law

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1 Enforcement Administration -- no, that's wrong -- I used
2 the Document to Retrieval Index of the Law Enforcement
3 Administration Agency, L.E.A.A..

4 I also used the Source Book of Criminal Justice
5 Statistics of 1973 of L.E.A.A..

6 MR. HARRIS: Did all of those books refer to
7 higher incidents of crime and the major cause of crime
8 where there was not sufficient surveillance?

9 MR. CARTER: That's the common point of all of
10 them, where there is no surveillance, this is where the
11 crime rate is higher.

12 MR. HARRIS. Now, did I also ask you to make a
13 study of the flight patterns into the Rochester Airport as
14 they pertain to this highway?

15 MR. CARTER: Yes, I made a study.

16 MR. HARRIS: And do you have a map here of the
17 flight patterns into the Airport?

18 MR. CARTER: The map of those flight plans are
19 tacked onto the board.

20 MR. HARRIS: May we mark that Exhibit D.

21 (So marked.)

22 MR. HARRIS: Would you go to the place of the
23 flight pattern which is next to the area where the bridge
24 is going to be constructed?

25 MR. CARTER: This is the area right here. This

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1 is the flight path. (indicating)

2 VOICE: I can't hear you.

3 MR. HARRIS: Now, Mr. Carter, the area you've
4 marked in red, is that the flight pattern for aircraft
5 coming into -- one of the flight patterns for aircraft
6 coming in and landing in the Rochester-Monroe County
7 Airport?

8 MR. CARTER: That's the flight pattern -- the
9 flight approach for Runway 28, which handles all westbound
10 aircraft landing at the airport -- landing from the west --
11 using --

12 VOICE: Go on, we don't want --

13 MR. CARTER: -- using radial beacons at twelve
14 corners and another radial beacon at the intersection of
15 Scottsville Road and Kingsboro Road.

16 MR. HARRIS: Now, Mr. Carter, could you tell us,
17 did you make any determination as to how high those planes
18 would be as they passed over the Genesee River adjacent to
19 this bridge, this highway bridge?

20 MR. CARTER: In the vicinity of Elmwood Avenue
21 and ^{FAR HILL} ~~Farmhill~~ (phonetic) Drive, the minimum height of
22 approaching aircraft would be 2067 feet. At the inter-
23 section of Scottsville Road and Kingsboro Road, the
24 recommended -- the minimum altitude of approaching planes
25 would be 799 feet -- note that is 799 sea level feet, which

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1 would be exactly -- well, not exactly -- approximately
2 250 feet above Scottsville Road.

3 MR. HARRIS: So that the maximum of those planes
4 would be approximately 250 feet above this bridge?

5 MR. CARTER: At the Scottsville Road and the
6 Kingsboro Road, which is very close to the intended project.

7 MR. HARRIS: To your knowledge, these planes
8 coming in and using these runways at night would be using
9 their lights, do they not?

10 MR. CARTER: They certainly would be using the
11 lights.

12 MR. HARRIS: In your opinion, sir, based upon
13 your business, the insurance business, would there be any
14 affect upon traffic driving over this bridge that would be
15 proceeding in an easterly direction?

16 MR. CARTER: In my six years of investigating
17 accidents for Travelers, I have found out that one of the
18 major causes of accidents -- well, the three major causes
19 of accidents are speed, alcohol, and distraction.

20 MR. HARRIS: In your opinion, would there be any
21 distraction from planes coming in to land with their lights
22 in this very close proximity to the bridge?

23 MR. CARTER: Since they would be slightly above
24 250 feet above the cars coming over the bridge, there would
25 be a distraction there by the planes.

1 MR. HARRIS: Would this cause a safety factor by
2 reason of lights and the noise?

3 MR. CARTER: It would indeed.

4 MR. HARRIS: And has this been considered at all
5 in the State Impact Statement?

6 MR. CARTER: This was not touched on in the Impact
7 Statement.

8 MR. HARRIS: Thank you very much. I'd like to
9 call Mr. McGraw now.

10 (Commotion.)

11 MR. TEN HAGEN: Please, Ladies and Gentlemen.

12 VOICE: Get out of here.

13 MR. HARRIS: Mr. McGraw, would you state for the
14 record, please, your name?

15 MR. McGRAW: My name is William F. McGraw.

16 MR. HARRIS: And would you give us your
17 address, sir?

18 MR. McGRAW: 35 Skyview, ^{LANE} ~~Maine~~.

19 MR. HARRIS: And would you give us your educa-
20 tional background?

21 MR. McGRAW: My educational background is a
22 Bachelor's Degree is biology and environmental science.

23 MR. HARRIS: And did I ask you, sir, to determine
24 the routes that a person would have to take from the 3rd
25 Ward if they are going to go by bus to -- either to Highland

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1 Park or to Cobbs Hill Park?

2 MR. McGRAW: You did, and this information was
3 supplied to me by the Regional Transit Service. I found
4 that to get from the 3rd Ward into the vicinity of the
5 Genesee Valley Park, to the nearest comparable park, Cobbs
6 Hill Park, it would take a total of 51 minutes according
7 to the current bus routes, and the cost of that trip would
8 be forty-five cents in each direction for total traveling
9 time to and from Cobbs Hill Park of 102 minutes and a total
10 cost of ninety cents.

11 MR. HARRIS: Would it entail any transfers in
12 this route?

13 MR. McGRAW: It would entail one transfer in each
14 direction. It would require going downtown to the corner
15 of Main and St. Paul and then transferring. I found, in
16 addition, that to get to Highland Park, a park without
17 comparable facilities to Genesee Valley, it would take 35
18 minutes at the same cost of 45 cents in each direction,
19 also entailing a transfer downtown.

20 MR. HARRIS: All right, thank you very much,
21 Mr. -- oh, one more question, Mr. McGraw. In the Impact
22 Statement, which has been made by the State, is there any
23 reference whatsoever to this added burden upon people going
24 from the 3rd Ward area to seek another park in the cost and
25 time element?

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1 MR. McGRAW: No, this was not considered as a
2 significant item by the State in their Environmental Impact
3 Statement.

4 MR. HARRIS: Did you find it considered at all??

5 MR. McGRAW: No, I did not.

6 MR. HARRIS: Thank you. I'd like to call Doctor
7 Hewitt.

8 (Doctor Hewitt comes up.)

9 MR. HARRIS: Doctor, would you state for the
10 record your name, please?

11 DOCTOR HEWITT: My name is Philip C. Hewitt.

12 MR. HARRIS: And by whom are you employed?

13 DOCTOR HEWITT: The State University College of
14 New York in B^Plockfort.

15 MR. HARRIS: And in what capacity?

16 DOCTOR HEWITT: I'm Professor of Geology and
17 former chairman of that Department for seven years.

18 VOICE: Whew. (whistle)

19 MR. HARRIS: Would you state your educational
20 background, sir?

21 DOCTOR HEWITT: You can whistle again. I have a
22 Bachelor's Degree from Harvard University; a Master's
23 Degree from the University of Tennessee, and a PhD from
24 Cornell University.

25 VOICE: Whew, whew.

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1 MR. HARRIS: Would you state what professional
2 organizations you belong to, sir?

3 DOCTOR HEWITT: I am currently president of the
4 Eastern Section of the National Association of Geology
5 Teachers, past president of the New York State Geological
6 Association, twice incidentally, permanent secretary of
7 an organization, although I managed to get out of that duty,
8 past president of the National Association of Geology
9 Teachers, the National Section, and I hold a number of
10 other memberships.

11 MR. HARRIS: Would you state what honors you have
12 received?

13 VOICE: "Glas" you know about something.

14 DOCTOR HEWITT: I just as soon stop.

15 MR. HARRIS: Don't, don't, just answer.

16 VOICE: Take your choice.

17 DOCTOR HEWITT: Do you want professional organiza-
18 tions?

19 MR. HARRIS: Yeah.

20 DOCTOR HEWITT: Professional organizations I have
21 been elected to numerous offices -

22 VOICE: Proceed about the park, will you?

23 DOCTOR HEWITT: I've been elected to numerous
24 offices in these organizations by my colleagues over the
25 year. I've listed a number of them, all ready.

1 VOICE: Go ahead, let's hear it.

2 MR. HARRIS: WOULD you state some of your

3 publications, Doctor?

4 VOICES: Ooooh, no.

5 DOCTOR HEWITT: I've published with the Vermont

6 Geological Survey, New York State Geological Survey, the

7 Geological Society of America, many local publications.

8 VOICE: This isn't an ego-trip. Come on.

9 DOCTOR HEWITT: I've been asked a question and

10 I'm answering it.

11 MR. HARRIS: Just don't -- just don't pay any

12 attention. Just answer the question.

13 VOICE: This is a hearing, not a trial.

14 MR. HARRIS: Are you familiar with the geology

15 of this area, that is the area of the Genesee Valley Park?

16 DOCTOR HEWITT: Yes.

17 MR. HARRIS: And are you familiar with the

18 immediate area where the proposed Outer Loop will pass

19 through Genesee Valley Park?

20 DOCTOR HEWITT: Yes.

21 (Laughter)

22 MR. HARRIS: Have you reviewed the State's plan

23 to have the roadway which will be completed, the Outer Loop,

24 that portion which would pass through Genesee Valley Park,

25 have you reviewed that?

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1 DOCTOR HEWITT: Yes, I have.

2 MR. HARRIS: Would you tell us what formations
3 of rock and soil lie underneath Genesee Valley Park?

4 DOCTOR HEWITT: In brief, there is an overburden
5 of glacial material underlaying by dolomite material,
6 sometimes referred to in their reports as limestone but it
7 is dolomite nevertheless.

8 MR. HARRIS: Doctor, now you did -- when this
9 matter came to court before, you did supply certain informa-
10 tion to us, did you not?

11 DOCTOR HEWITT: Yes, I did.

12 MR. HARRIS: That is our Monroe County Conserva-
13 tion Council?

14 DOCTOR HEWITT: Yes, I did.

15 MR. HARRIS: Pardon me?

16 DOCTOR HEWITT: Yes, I did.

17 MR. HARRIS: And have you since that time ever
18 been consulted in any way, shape or form by this State or
19 any state geologist?

20 DOCTOR HEWITT: No, I have not.

21 MR. HARRIS: And did you make a study of the
22 proposed tunnel as it's shown in the State Impact Statement?

23 DOCTOR HEWITT: Yes, I did.

24 MR. HARRIS: Would you tell us about this study
25 and what your opinion is relative to the tunnel under the

1 Genesee Valley Park?

2 DOCTOR HEWITT: To begin with, the tunnel is
3 very badly thought out as they have considered it here. The
4 tunnel, as they suggested it, contains so many unnecessary
5 elements as to drive the cost up to a point which, of course,
6 no one would want to buy it. It's excessive. A tunnel is
7 feasible in that area far below the cost than they have
8 provided, with far better planning than they have provided.
9 There's no reason why it cannot be bound.

10 MR. HARRIS: Would you tell us some of the things
11 that were put into this plan which you deem unnecessary?

12 DOCTOR HEWITT: For this I would have to refer to
13 notes because these figures are so astronomical that I am
14 bothered by them.

15 (Doctor refers to notes.)

16 DOCTOR HEWITT: First, they need high grades of
17 plumbing equipment to put out fires in this tunnel, granted,
18 but anybody in his right mind who tries to put out gasoline
19 or an electrical fire -- the two probabilities -- they're
20 not going to have wood burning in here -- gasoline or
21 electrical fire with water is asking for major trouble. You
22 don't put out fires with -- you don't treat materials with
23 that water.

24 MR. HARRIS: So that is not realistic, is it?

25 DOCTOR HEWITT: Not realistic, no.

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1 MR. HARRIS: Would you go ahead?

2 DOCTOR HEWITT: The ventilation that they have
3 provided ask for \$1.1 million. This tunnel is not going
4 to be so long that it requires the kind of ventilation
5 they're asking for. Conventiøn ventilation would probably
6 do all of the job -- all of the stethastays (phonetic) as
7 possible, and on those you could provide some other
8 ventilation as required. They have listed \$1.6 million
9 for wall tile and ceiling tile. There are other ways that
10 are not as expensive. I consulted with the appropriate
11 people who do this kind of thing. I know that that is a
12 fact. They have included \$107,000 for doors and handrails,
13 neither of which are needed in this particular case,
14 depending on the planning of a tunnel. If you design a
15 tunnel the way they did, of course you need them; if you do
16 not, you don't need them.

17 MR. HARRIS: If this is a tunnel for vehicles,
18 like an expressway, it would seem illogical that you would
19 need handles and things of that nature since vehicles are
20 traveling through it rather than pedestrians?

21 DOCTOR HEWITT: They're probably planning for a
22 walkway to be provided. They provided \$3,000,000 for
23 ventilation buildings. They can do it much smaller, if they
24 need it at all, and this is by a properly made study, not
25 this one; \$100,000 for garages; \$175,000 --

1 MR. HARRIS: Would you tell us what is meant by
2 garages?

3 DOCTOR HEWITT: These are garages to hold the
4 special vehicles they need; as for example, \$135,000 for
5 towing vehicles, as if none of them were available in the
6 immediate vicinity, and they are. \$60,000 for a cleaning
7 truck, which is for cleaning this tunnel, that is to flush
8 it and wash it down, is their point. In the Outer Loop,
9 they will not be washing it and will not be able to go
10 to the tunnel, also, so none of them--

11 MR. HARRIS: Let me ask you, Doctor, in the
12 provisions of the cost of the bridge is there anything in
13 there for an emergency toll truck cor a cleaning truck? Is
14 there any provision in there as a cost factor for the bridge?

15 DOCTOR HEWITT: No, you can't compare the two for
16 the simple reason that half of (rest inaudible). I've noticed
17 in my analysis that I can eliminate \$15,000,000 directly,
18 without even redesigning the tunnel, immediately. If you
19 look at their plans for their bridge, they have not included
20 things such as lighting, relandscaping, and so on. The fact
21 that the tunnel will have to go under the alternate, as you
22 can see in the Loop sheet when you came in here, already
23 prepared the tunnel underneath the Lehigh Valley Railroad
24 tracks. I hope I'll have an opportunity to expand on that
25 for just a minute.

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1 MR. HARRIS: Would you go ahead, Doctor?

2 DOCTOR HEWITT: If you would just take the time
3 when you leave here, especially those of you who have -- are
4 new to this sort of thing, go look at the model outside the
5 door, and then recall the picture you saw of a slide that
6 showed a 2100 foot viaduct, and look at that again. You'll
7 notice the picture you saw showed a bridge, a viaduct, that
8 ran from the -- one side is Scottsville Road, as an
9 indication, under Scottsville Road, under the river, and so
10 on, across -- pass Red Creek, but it stopped way before it
11 got to the railroad bridge, way before it got to the railroad
12 bridge, not over the viaduct that they have prepared for you
13 on the model. It does not do that. It goes over everything,
14 not under as the report you have. They go over everything.
15 Now, the interesting thing is that we start adding up all
16 of those aspect holes and everything else that they have not
17 included in their reports, the fact that the tunnel has a
18 certain length, they have shortened their bridge, their
19 viaduct, to make it look good. The fact is that we don't
20 know which bridge from this report they are building. I have
21 no idea. Certainly, if I used the figures that they just
22 presented, I am confused as it is.

23 MR. HARRIS: Do those figures --

24 VOICE: Maybe you don't understand it.

25 VOICE: Don't you guys have a home?

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1 MR. HARRIS: Do those figures that were shown
2 tonight comply with the Environmental Impact Statement that
3 is submitted, that the public had to work with to make
4 determinations?

5 DOCTOR HEWITT: No, they do not.

6 MR. HARRIS: And what you have developed, the
7 information tonight, is based upon the information that the
8 State supplied to you by the Environmental Impact Statement;
9 is that correct?

10 DOCTOR HEWITT: That is correct, and only by
11 measuring a line in their own report.

12 MR. HARRIS: Now, did the State fail to take into
13 consideration the replacement of the highway bridge as
14 proposed over a portion of the Genesee Valley Park and
15 the Genesee River?

16 DOCTOR HEWITT: That is correct, it's not
17 included.

18 MR. HARRIS: All right. Now, Doctor, has it been
19 your experience in this area that the surface of highway
20 bridges in Rochester come apart and they're placed period-
21 ically?

22 DOCTOR HEWITT: Yes, and in one of their photo-
23 graphs they show that.

24 MR. HARRIS: And isn't it true that approximately
25 somewhere between five to seven years in this community,

1 because of the use of salt, we usually replace the surface
2 of highway bridges?

3 DOCTOR HEWITT: That is correct.

4 MR. HARRIS: Is there anything in the report that
5 took into consideration the replacement of the surface of
6 this highway bridge?

7 DOCTOR HEWITT: There is nothing in the report to
8 that effect.

9 VOICE: Next page, come on, will ya?

10 MR. HARRIS: Now, is there anything taken into
11 consideration in the report as to the inconvenience of the
12 public when the bridge surface is being repaired?

13 DOCTOR HEWITT: No. You have to realize that
14 when a bridge surface is being repaired, you are taking a
15 lot of time. You are doing structural repair at the same
16 time. When you are repairing the surface of a roadway in a
17 tunnel, it's merely a matter of going over the surface, no
18 structural changes have to be made.

19 MR. HARRIS: Now, Doctor, taking into considera-
20 tion the cost of building the bridge, the maintenance of the
21 bridge and replacing the surface, we'll say two times, that
22 is in a 15-year period, would you tell us how the cost of
23 the tunnel would compare with the bridge under those
24 circumstances?

25 DOCTOR HEWITT: According to the construction

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1 people that I have consulted, the tunnel would cost approxi-
2 mately ⁵⁰ percent more originally; however, after a 15-year
3 period, and all of the additional work had been done and all
4 of the maintenance cost which they included, which includes
5 full-time electricians and full-time people available, so
6 forth and so on, and this is a lot of paper cost over a 15-
7 year period, the tunnel cost will be about the same as the
8 bridge.

9 MR. HARRIS: Now, Doctor, did I ask you to be
10 conservative about that figure or did you take into consid-
11 eration the type of inflation we're experiencing today, and
12 isn't it true that if we're experiencing the type of infla-
13 tion we have now, the replacement of that surface could well
14 make the bridge much more expensive than the tunnel?

15 DOCTOR HEWITT: That's true, and even beyond that
16 is the profession of the future.

17 MR. HARRIS: In your opinion, has the State made
18 a complete and comprehensive study of a tunnel underneath
19 the Genesee Valley Park?

20 DOCTOR HEWITT: No, they have not and the Statement
21 testifies to that effect, it says so.

22 MR. HARRIS: If there was a tunnel under the
23 Genesee Valley Park, would the park still be left for the
24 general public.

25 DOCTOR HEWITT: Yes, it would.

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1 MR. HARRIS: Would the park be damaged by reason
2 of the tunnel underneath Genesee Valley Park?

3 DOCTOR HEWITT: No, it would not.

4 MR. HARRIS: And what is your recommendation,
5 professionally, as to a tunnel versus the proposed bridge
6 over the Genesee Valley Park?

7 DOCTOR HEWITT: Now, professionally and as my
8 ownself because I live in this area; first, we should have
9 a tunnel rather than a bridge because it will pay for itself
10 very quickly with the unnecessary repairs that must be made
11 to a bridge. Those of you who have driven over a bridge know
12 that a bridge must be salted frequently. A tunnel does
13 not need to be salted, ~~it's~~ kept covered and very comfortable
14 ^{inside} ~~in size~~, you don't bother with it. Professionally, I would
15 say you could build a tunnel for approximately 50 percent
16 more than you would pay for the bridge. The only difficulty
17 is, you must remember, that that initial cost will be
18 absorbed in repair of roadways, maintenance, and so on, and
19 there is one more point that you should understand and that
20 is they have about 40 years of replacing that bridge, which
21 you will not do with a tunnel. I'm from Boston originally,
22 I admit, and we have tunnels there that have been there since
23 way before I was born and they're still functioning very
24 well. As a taxpayer, I'd hate like the devil to pay for two
25 bridges when I can buy one tunnel.

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1 MR. HARRIS: Doctor, is it also true in New York
2 City that tunnels are cultured very well to be very
3 serviceable?

4 DOCTOR HEWITT: Yes, it's true but (rest inaudible.)
5 Your expenses and everything go up, and so on, that is they
6 can build a tunnel, a subway, through San Francisco right
7 through and parallel to and around the Sandbury (phonetic),
8 then, my God, they ought to be able to do it in Long Island.

9 MR. HARRIS: Doctor, just one other question. In
10 the proposal by the State, isn't it true that they provided
11 for a purchase of the mould, that is the instrument that
12 will do the tunneling, and isn't it true that normally those
13 moulds are provided by the contractor doing the work and that
14 that would be leased by them and would not be purchased by
15 the State?

16 DOCTOR HEWITT: That is correct, they might
17 purchase on a lease basis but the State would be certified
18 a \$9,000,000 mould to do this job. (phonetics.)

19 MR. HARRIS: So what's taking place here is the
20 figures of the State have been loaded or raised much more
21 than was necessary as far as the tunnel is concerned?

22 DOCTOR HEWITT: In the case of the tunnel, the
23 figures have been completed. In the case of the bridge, the
24 figures have been completely wiped out and things that must
25 be put there are not there, they didn't include it.

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1 MR. HARRIS: Thank you, Doctor.

2 (Clapping)

3 MR. TEN HAGEN: Excuse me, if I can interrupt just
4 a minute. This hearing we've planned to adjourn for this
5 evening about 11:00 o'clock. We will be reconvening it
6 Thursday night at 7:30 for all the remaining statements of
7 those of you who may not be able to get on until 1:00 or
8 2:00 in the morning. I just wanted to inform you that
9 we've just received word that we can again have the use of
10 this hall and we will be taking statements here at 7:30 on
11 Thursday night, and we'll be going until approximately 11:00
12 this evening.

13 Thank you. Go ahead.

14 MR. HARRIS: Thank you very much, John.

15 I'd like to call Miss Pat Rucker, please.

16 VOICES: Everybody leave.

17 VOICE: We came here for a hearing. We didn't come
18 here to hear her.

19 VOICE: We had enough of his hot air.

20 VOICE: Next time you schedule, why don't you
21 listen to us first?

22 VOICE: Please be quiet.

23 MR. HARRIS: Miss Rucker, would you state your
24 name for the record, please?

25 MISS RUCKER: My name is Patricia Ann Rucker.

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1 MR. HARRIS: And would you tell us, please, your
2 educational background?

3 MISS ROCKER: I have a Bachelor of Science Degree
4 in biology.

5 MR. HARRIS: Where are you employed?

6 MISS ROCKER: I'm employed at ^{DELTA}~~Dublin~~ (phonetic)
7 Laboratory in Rochester, New York.

8 MR. HARRIS: And what is your capacity there?

9 MISS ROCKER: I'm a biologist for the laboratory.

10 MR. HARRIS: Did I ask you to look at Cobbs Hill
11 Park and also at Genesee Valley Park?

12 MISS ROCKER: Yes, you did.

13 MR. HARRIS: And did I ask you to consider the
14 two parks, whether or not the facilities at Cobbs Hill Park
15 would duplicate those at Genesee Valley Park?

16 MISS ROCKER: Yes. I found that the facilities
17 at the Genesee Valley Park are not duplicated in Cobbs Hill
18 Park. Genesee -- Cobbs Hill Park is more of a used park.
19 It has a baseball diamond, tennis court, and an ice skating
20 rink. However, at Genesee Valley Park, it is more for use
21 by families. They have picnic facilities, they have cooking
22 facilities for cookouts. There are more wooded areas for
23 hiking and for general appreciation of nature in Genesee
24 Valley Park.

25 MR. HARRIS: Is there also a factor of Genesee

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1 Valley Park as to -- it's one that would be more enjoyable
2 to a family, and could you explain that?

3 MISS ROCKER: Yes. We found that Genesee Valley
4 Park is cooler than Cobbs Hill Park. There are several
5 factors contributing to this. One is the nearness of the
6 Genesee Valley Park to the river. This exerts a cooling ^{EF-} of
7 fact on the park. Also, Genesee Valley Park has more trees
8 in it and these trees provide shade which gives a cooling
9 fact, and they also reflect the sunlight from the sun which,
10 again, gives you a cooling ^{EFFECT} fact. This is rather important
11 in the summer, you know how hot it can become in the summer
12 days, and any relief from this warm weather which can be
13 found in the park, again, is very welcome, very worthwhile.
14 Another contributing factor is that Cobbs Hill Park is
15 adjacent to an expressway. This gives it a heating, where the
16 expressway exerts a heating of fact on the park. Since
17 Genesee Valley Park does not have this expressway, again, it
18 tends to be cooler in the summer.

19 MR. HARRIS: And would this reason mean that the
20 Genesee Valley Park would be much more conducive to families,
21 not only the cooler factor but the factor that the facilities
22 there are for the uses of families?

23 MISS ROCKER: Yes. Genesee Valley Park is used
24 by families which is an important point. It's a park for the
25 people. It's for people to use. It's a cooler park and it

1 has more facilities than Cobbs Hill Park does.

2 MR. HARRIS: Thank you very much, Miss Rocker.

3 I'd like to call Lisa Gravitz, please.

4 VOICE: How many more?

5 VOICE: Let's get on with the show. It's getting
6 late.

7 MR. HARRIS: Miss Gravitz, would you state your
8 name for the record, please?

9 MISS GRAVITZ: My name is Lisa Gravitz.

10 MR. HARRIS: And; would you give us your address,
11 please?

12 MISS GRAVITZ: 10 Carriage (phonetic) Court.

13 MR. HARRIS: Will you take your time and speak
14 up. Nobody here is going to hurt you, okay?

15 MISS GRAVITZ: Sure will.

16 MR. HARRIS: Are you presently attending college?

17 MISS GRAVITZ: Yes, I am. I attend the Brandike
18 (phonetic) University in Boston.

19 MR. HARRIS: Did you conduct a survey relative
20 to the people using the Genesee Valley Park?

21 MISS GRAVITZ: Yes, I conducted a survey relative
22 to people using the Genesee Valley Park. It was a survey of
23 the people in the 3rd, 11th, and 19th Ward. I have a map
24 here that I would like to show the people exactly where
25 these areas are relative to the park.

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1 MR. HARRIS: Let's mark that Exhibit E.

2 (So marked.)

3 VOICE: That park is so sick. Why don't you
4 block it entirely.

5 MISS GRAVITZ: The 3rd, 11th, and the 19th Wards
6 are, as you can see, north of the Genesee River and they're
7 outlined in yellow. The poll was developed last spring by
8 Mr. Michael O'Grady, who attends the Alfred (phonetic)
9 University, under the direction of Doctor Leevy, Politics
10 Professor at the University of Rochester.

11 MR. HARRIS: Would you explain how this survey was
12 made?

13 MISS GRAVITZ: Yes. We used -- this is a
14 scientifically conducted ground and sample survey. We used
15 the voter registration booklets for these wards.

16 MR. HARRIS: Just a second now. When you say
17 you received -- used the voter registration, did you go to
18 the Board of Elections and secure the names of the voters
19 in those areas?

20 MISS GRAVITZ: Yes, we did. These voter registra-
21 tion rolls include the republicans, the democrats, the
22 independents, and all other political parties; therefore,
23 it's a good cross-section of the people in the area.

24 MR. HARRIS: Would you explain how you conducted
25 this survey, then?

1 MISS GRAVITZ: Yes. Each person in the voted
2 provost (phonetic) was assigned a number. The numbers of
3 the people were surveyed were then taken from a random
4 sample of numbers --

5 MR. HARRIS: Don't go so fast. Okay. Did you --
6 would you explain the survey, please?

7 MISS GRAVITZ: Yes. The purpose of the survey
8 was to actually talk to people and find out their useage of
9 the park and the social and economic impact of the park that
10 taking away the access to the park would cost. ←

11 MR. HARRIS: And would this be of the people in
12 the 3rd, 9th, and 11th Wards?

13 MISS GRAVITZ: Exactly, the 3rd, 19th, and 11th
14 Wards. The first thing we looked for was park useage, and
15 then we tried to determine a profile of the people in the
16 wards. We tried to determine the type of people, how often
17 they use the park, how they get to the park, and the changes
18 in their behavior if they lose the park, if the expressway ←
19 goes through as planned.

20 MR. HARRIS: Would you explain your survey?

21 MISS GRAVITZ: Yes. The first question we asked
22 the people of the park was, do you or any member of your
23 family use the Genesee Valley Park? 34 percent of the
24 people said yes, they use the park.

25 MR. HARRIS: Is this showing -- a poster that you

1 have here with the figures on it?

2 MISS GRAVITZ: Yes. The poster up here shows the
3 numbers in the park. There are approximately 50,000 people
4 in this affected area. The 34 percent represents about
5 17,000 people who use the park, that's one out of three of
6 all the people in the area. Now, I can state with a
7 competence interval of 99 percent that this survey is an
8 accurate statistical survey. Now what this means is that
9 if you conduct a survey over and over and over and over
10 again, using different people and different numbers, you
11 will find that 99 percent of the time you will get the same
12 readings of 33.994 to 34.006, that's .012, so 99 percent of
13 the time you will get the same results within .012.

14 MR. HARRIS: That would mean that the survey was
15 ver accurate?

16 MISS GRAVITZ: Yes. This survey is accurate
17 because we asked 183 individuals. These 183 individuals give
18 you a 99 percent competence interval.

19 MR. HARRIS: Would you go ahead and explain the
20 survey?

21 MISS GRAVITZ: Yes.

22 MR. HARRIS: Now, this first one we'll mark F.
23 (So marked.)

24 MR. HARRIS: Would you go on, please?

25 MISS GRAVITZ: Now, of these 183 individuals in

1 the entire sample, 62 individuals said that they would use
2 the park, that's our 34 percent. Now, these 62 individuals
3 represent 224 family members.

4 The next report seemed to ask these people once
5 they indicated that they use the park, we wanted to determine
6 how their patterns of parking would change if the road in
7 the park were closed, so we asked the question, if the road
8 to the park were closed, would you still use the park?

9 MR. HARRIS: Now, to clarify that road, that
10 is the road that is going to be closed that runs through the
11 present Genesee Valley Park in connection from north to
12 south; isn't that correct?

13 MISS GRAVITZ: Yes, that's correct. I believe Mr.
14 Mitchell pointed that out in his slides.

15 When we asked this question, we found that 45
16 percent of the people would still use the park as they do
17 now. However, 32 percent of the people would use the park
18 less frequently. 22 percent would not be able to use the
19 park at all.

20 Now, do you see the green and the red, that
21 represents these people whose consumption is cut off or
22 reduced because of this expressway that is planned. This
23 combined 54 percent of those who said yes represents 18
24 percent of the total population of these wards, that is
25 almost one out of five people in these wards feel lost

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1 because of the road -- because of the expressway as planned.

2 MR. HARRIS: And that is Exhibit G?

3 MISS GRAVITZ: Yes, it is.

4 MR. HARRIS: All right.

5 MISS GRAVITZ: Could you hold that up for just a
6 second? We wanted to further determine the loss due to
7 these people, the losses or gains -- you want us to be fair
8 about this -- so we asked the next question.

9 MR. HARRIS: And this will be Exhibit H.

10 (So marked.)

11 MISS GRAVITZ: We asked the next question, would
12 you go to another park? Now, this is to determine the
13 substitution. If people had another park they can go to
14 with no additional problems, this is no problem; however, we
15 found that this is not the case. 55 percent of the people
16 said they do have another park, however 37 percent of the
17 people said they have no other park to go to. Now, these are
18 the biggest losers in the expressway deal because they're
19 not going to Genesee Valley Park and they have no other park
20 to go to.

21 The other 55 percent who said they did have a
22 park to go to, we still have to look at further to see what
23 kind of affects the expressway has on them. So, we asked
24 these people, would they use a substitute park as often? The
25 answer was overwhelmingly no. 73 percent said they would not

1 use the park at all. In other words, they're not using the
2 Genesee Valley Park; they do have another park they can go
3 to but it's not as accessible to them.

4 Now, I'd like to take a step back from statistics
5 for a minute -- whew -- oh, that's good, okay.

6 VOICE: Whew.

7 MISS GRAVITZ: I'd like to take a step back from
8 statistics for a minute. A famous president once said that
9 there are three kinds of statistics, there are three kinds of
10 lies, lies, damned lies, and statistical lies. So, to the
11 best of the statistical reference which you can see is 99
12 percent competence interval, I have confidence in my numbers.

13 In addition, I have done -- I have estimated only
14 -- I have used only conservative estimates. Now I'm taking
15 a step back in statistics to show you what kind of people
16 we're talking about. The family size of these people --

17 MR. HARRIS: Now you're referring to Exhibit I?

18 MISS GRAVITZ: Yes. This is a profile of the
19 people who use the park. The blue ink, if you can see the
20 blue ink, represents the entire number of people who use the
21 park. The green ink represents the people who feel some loss
22 due to the Genesee Expressway project.

23 Now, in terms of family size, the average family
24 size of people who use the park in the entire sample is
25 3.6 members. Of those who feel cut off from the park, the

1 average family size 4.8 members. In other words, we're
2 affecting families by their size.

3 Another very significant fact about these people
4 is their useage. For the entire sample, we find that people
5 close to the park average 24 times a year. This makes sense
6 because it's in their neighborhood and they have easy access
7 to the park. However, in those who feel cut off from the
8 park, they use the park 30 times a year, an average number
9 of 30 times a year. So, you see, we're also cutting off
10 some of the very heavy users.

11 The last significant thing that we confine to the
12 profile of these people is that we broke down their access
13 to the park, which is car access to the park, non-car access
14 to the park, and those people who use a combination. Now,
15 of those affected in the green ink, we find that 53 percent
16 depend on non-car access to the park at some time. 70 percent
17 of these people are children. In other words, what these
18 numbers are saying, both the fact that the affected people
19 have larger family size and the fact that their useage is
20 heavier, and the fact that 70 percent of the people who feel
21 cut out are children, that -- the children who walk and bike
22 during the day on the road without adults are the losers.

23 MR. HARRIS: Okay, would you go on, please?

24 MISS GRAVITZ: I have a summary of the social
25 impact that --

1 MR. LARRIS: This would be Exhibit J?

2 MISS GRAVITZ: Yes. Instead of using percentages
3 which those who are not statistically inclined do not
4 appreciate, I have the absolute numbers. Now, the popula--
5 tion according to the 1970 census, the population of the
6 3rd, the 19th, and the 11th Wards is 49,417. Of these
7 people who we find are park users are 16,801, that is
8 approximately one out of three people in the area use the
9 park. To me this is a pretty significant statistic when
10 you consider this is also an area where you have becoming
11 -- you know, people -- a lot of senior citizens in this area.
12 Those who would continue their consumption of the park at
13 their present rate represents 7,516 people. Those who are
14 absolutely cut off from the Genesee Valley Park according to
15 our survey are 3,696, and those who would reduce consumption
16 are 5,376. These people who are the losers due to the
17 project are -- represent greater than 18 percent of the
18 total ward population or approximately one out of five
19 people.

20 Now, as you can see in the green, since we have
21 the age breakdown, we found that 5,533 of these are
22 children or 61 percent are children.

23 Again, this points to the fact that a lot of the
24 people who are losing are the kids probably between the ages
25 of 9 and 15 who use the park during the day without adult

1 supervision. I think that without the open spaces of the
2 park they would probably resort to things that might be
3 less desirable activities in the city.

4 MR. HARRIS: Would you go on, please?

5 MISS GRAVITZ: Sure. Again, in the way of
6 summary of the social impact, the question that we asked,
7 we asked the people their preferences of the park as compared
8 to the road. An overwhelmingly amount of people said --
9 66 percent said that they feel the government is less
10 interested in them if they put the park through as is
11 planned.

12 MR. HARRIS: You mean the road through?

13 MISS GRAVITZ: Excuse me, I mean the road
14 through as is planned.

15 MR. HARRIS: Now you're referring to Exhibit K,
16 are you not?

17 MISS GRAVITZ: No, this is not an exhibit. Our
18 questionnaire was eleven questions and this was one of the
19 questions. I thought it was a single statistic.

20 MR. HARRIS: Okay, would you go on, Lisa?

21 MISS GRAVITZ: Now, the second purpose of our
22 survey, we were trying -- we hoped to find the economic
23 impact of the people in the area. We didn't see this in
24 the Environmental Impact Statement.

25 MR. HARRIS: In fact, there was no reference to

1 the Environmental Impact Statement of any economic or
2 environmental or social impact upon these people in these
3 wards, was there?

4 MISS GRAVITZ: No. From all that I saw, I did
5 not see any survey done that actually went to the people.

6 MR. HARRIS: And did you go and review everything
7 that the Department of Transportation had in reference to
8 these particular matters, that is the social and economic
9 impact?

10 MISS GRAVITZ: Yes. And understand, they were
11 very cooperative. They answered all my questions and showed
12 me all the information. I looked over the information and
13 I did not see any survey done. They did, however, use the
14 Parks Department statistics, however they were for 1962.

15 MR. HARRIS: Right. Would you go on now with
16 your figures here?

17 MISS GRAVITZ: Yes. The next step on this
18 report is the economic impact. Now --

19 MR. HARRIS: What are you referring to now, to
20 Exhibit K?

21 MISS GRAVITZ: Yes, I moved to Exhibit K, but
22 first I would like to show you one interesting thing I found
23 in the survey. When I was doing the survey, I found that
24 for the people in this area, the social impact and the
25 economic impact were reinforcing each other. Now what this

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1 means -- usually when you find a survey of social impact,
2 you find that the economic deafness for a certain project
3 will outweigh the social impact. However, in this case,
4 for the people in this area, both of them are major, they're
5 losing both socially and economically.

6 Now, in order to determine this for the entire
7 Monroe County area a different type of survey would have to
8 be done; however, it is clear from my work that the people
9 in this area are losing both socially and economically.

10 MR. HARRIS: Would you explain that?

11 MISS GRAVITZ: Yes. In prospects of analysis,
12 you'd have to compare the social impact of a project to the
13 economic gains of the project; again, social gains to the
14 project. Many times you'll find that losing a park, for
15 example, in this case, losing a park would be outweighed by
16 the economic advantages of perhaps increased commerce in
17 the area or something; however we don't find this in this
18 case. We find that both the social and economic impacts
19 to these people are losses.

20 MR. HARRIS: Would you explain this particular
21 exhibit?

22 MISS GRAVITZ: Yes. For this particular exhibit,
23 we hope to show whether or not there will be an increase --
24 a dollar increase to the people in the area if they lose
25 ultimate parks and how much that increase would be.

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1 Generally, what we have to do to get this number was to
2 determine the number of drivers to parks, the number of
3 times a year, and how far they would have to go.

4 MR. HARRIS: That would be to find the use of
5 another park; is that right?

6 MISS GRAVITZ: That's right. Not only to use
7 another park but we also did this -- we also did this
8 statistic for them having to drive to the other side of the
9 park.

10 MR. HARRIS: That would be the other side of the
11 Genesee Valley Park?

12 MISS GRAVITZ: Right, the other side of the
13 Genesee Valley Park. Now, on here I have an example of
14 the method I used to determine the economic impact.

15 MR. HARRIS: Let me just clarify that, that is
16 by the road that is shown in the State's plan, is it not?

17 MISS GRAVITZ: Yes, the Kendrick access.

18 MR. HARRIS: The Kendrick access. Okay, would you
19 go ahead and explain that?

20 MISS GRAVITZ: Certainly. Above here, I have an
21 example. I used the Cobbs Hill Park. The difference in the
22 distance to Cobbs Hill Park -- all right -- the difference in
23 the distance from going to the Genesee Valley Park, as people
24 presently do, and, if the road went through, how they would
25 get to Hyland Park. I did this in unit analysis so that you

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1 can see that we figured in all the relevant things. There
2 are 22,467 people in the --

3 MR. TEN HAGEN: Excuse me a minute, we have to
4 change the tape.

5 (Off the record to change the tape.)

6 MR. TEN HAGEN: Back on the record.

7 MISS GRAVITZ: There are 22,467 people in the
8 19th Ward. We found that about 32 percent of them would be
9 drivers to parks. We got this number by taking the users
10 of the park and many of the people who said they wouldn't
11 use the park -- use any parks -- because they're not using
12 any parks we certainly shouldn't count them if they're not
13 going to be driving to parks -- so 32 percent of the people
14 in the wards are drivers to the park. We now have a number
15 of drivers to the park. We multiply this by the round trips
16 per year. We took the average of 24 round trips per year and
17 we now have a number of drivers and a number of trips that
18 were made for a year. We multiply this by the difference in
19 the distance between Cobbs Hill and the Genesee Valley Park.
20 This is measured in miles per trip -- per round trip. The
21 last step is multiplied by dollars per mile. We used
22 thirteen cents per mile. This is the deduction that the
23 Federal Government gives you on your income tax. It's
24 supposed to include depreciation, wear and tear, insurance
25 premiums, and the average gas price as it currently is. This

1 gives us the total of \$155,800 per year spent by people of
2 the 19th Ward traveling to Cobbs Hill instead of the
3 Genesee Valley Park.

4 MR. HARRIS: So this is an added expense to those
5 people; is that correct?

6 MISS GRAVITZ: That is correct.

7 MR. HARRIS: How did you determine the number of
8 miles in distance, that is from Genesee -- the distances in
9 your compilation there?

10 MISS GRAVITZ: Well, I haven't marked it on the
11 map. I was afraid I -- that most of the people here
12 wouldn't be able to see it, but we took --

13 MR. HARRIS: What's the exhibit?

14 MISS GRAVITZ: This is the map here.

15 MR. HARRIS: Exhibit E?

16 MISS GRAVITZ: Exhibit E. As you can see, the
17 red line, this is Cobbs Hill Park. This, to the best of my
18 knowledge, due to the Inner Loop and the cross street here,
19 or the Inner Loop and the crossing to the Clinton Street
20 Bridge are the shortest way to getting to Cobbs Hill. Now,
21 what we did is to be entirely fair, we took the shortest
22 distance for each group of people. Now, we got the groups of
23 people by the census charts. So, in other words, the blue
24 dots here represent the exact center of each census chart.
25 In other words, this spot -- our numbers represent a

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1 weighed average of the people in each census chart and the
2 distance to the park. Now, because I wasn't about to
3 determine the shortest way to get to the park from each of
4 these blue dots, I took it as the crow flies. In other words,
5 I show that to actually get there by going around the blocks
6 rather than, you know -- well, by road it would be a lot
7 longer, but to be entirely fair, again, to make it conserva-
8 tive, I took it as the crow flies.

9 MR. HARRIS: Would you go on?

10 MISS GRAVITZ: Sure. Would you please show this
11 closer?

12 MR. HARRIS: This would be Exhibit L?

13 MISS GRAVITZ: Yes, this is Exhibit L.

14 Okay. I applied each -- the procedure I just
15 outlined to you, I took for each of the alternative parts, I
16 used as a photographer the present access at the Elmwood
17 Bridge and Genesee Valley Park. I also --

18 MR. HARRIS: That would be the intersection of
19 the Elmwood Avenue Bridge -- the Elmwood Avenue and the
20 present road which enters the Genesee Valley Park?

21 MISS GRAVITZ: That's correct. The second one,
22 Genesee Valley Park, and then I have in red, Brighton, that
23 would be now, where people would use the park -- Genesee
24 Valley Park in Brighton.

25 Now, as you read across, I have the 3rd Ward

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1 totals, the 19th Ward totals -- I made a mistake, this will
2 be the 11th Ward, the 11th Ward totals -- could we please
3 have that changed -- thank you -- we find the total impact
4 to be \$201,020. Now, this is if the people had to get into
5 their cars and drive to the other side of the park.

6 Now, we again do this for Highland Park. Highland
7 Park commuting cost for the 3rd, 19th and 11th Wards, you
8 find there's \$80,040. Now, this is a smaller number relative
9 to the first line because for many of the people in the 3rd
10 Ward Highland is closer, except, there again, you find that
11 Highland is not as close to the public park, or the Genesee
12 Valley Park, but, in fact, that these people who are so
13 close to Highland consider Genesee Valley Park their park.
14 It's the park that they use.

15 Now, a better substitute is Cobbs Hill. It's
16 also -- again, the 3rd, 19th, the 11th Wards total add up
17 to \$245,855.

18 MR. HARRIS: Now is that per year expense to the
19 general public?

20 MISS GRAVITZ: Good point. This is a third year
21 expense to the public as shown by my unit analysis in the
22 last exhibit.

23 Now, there are little things to be pointed out
24 here. Cobbs Hill is a reasonable alternative -- oh, would
25 you please keep that up -- thank you -- it's a reasonable

1 alternative but it's not a perfect alternative. It's also
2 further for the people. We found that once people were
3 talking about getting in their car and going more than ten
4 minutes to their house, they're going further and further
5 and further. Some people mentioned they would also consider
6 going to Ellison and Palmer Hill Parks.

7 Now, these, as they are, are contingency plans,
8 but with all sets of alternatives being used and the consid-
9 eration that people would go even further, the economic
10 impact to the people in the area would certainly exceed these
11 other contingencies. The other contingencies is \$526,915 per
12 year.

13 Now, I feel that this number is a conservative
14 estimate for several reasons. First of all, as I explained
15 before, I used part of this estimate as the crow flies
16 mileage. Everyone knows that it takes longer to get places
17 than as the crow flies.

18 Second of all, it's based on present drivers,
19 present drivers to the park. If the road goes through more
20 people will have to drive. Since I have no way of knowing
21 how many more people, I didn't try to estimate that.

22 Third of all, it's based on a fifteen cents per
23 mile cost of running a car. Now, that's the Federal Govern-
24 ment estimate. Several private car companies, including
25 Hertz, quote numbers between five and fifteen cents more

1 than fifteen cents a mile. I like to use the Federal
2 Government number because I felt this was the most fair
3 number to use.

4 Fourth of all, this is from the 1970 census.
5 This is five years later. I'm sure the numbers of the
6 people in the wards have increased.

7 In addition, this is a poor area and the Federal
8 Government has announced that their estimates for censuses
9 in poor areas are usually as much as 20 percent under-
10 estimated. In other words, the population, again, is more
11 than that figure. In other words, I feel this is a fair,
12 rock bottom and yet substantial discrimination of economic
13 impact.

14 MR. HARRIS: All right. Would you continue on
15 with your conclusion?

16 MISS GRAVITZ: Yes. I'd like to conclude that,
17 first of all, I tried to make a dollar and cents impact but
18 not everything can be measured in dollars and cents. You
19 can't measure the uniqueness of the park. You cannot
20 measure the amount of time that it takes people to get to --
21 the additional amount of time and how people value their
22 time. You cannot measure the detrimental -- the detriment
23 to the children who will not be able to use the park on their
24 own without adult supervision during the day. I think this
25 is a very important thing. Where I live -- I know that my

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1 younger brothers and sisters often feel very frustrated
2 because they cannot go anywhere without the use of their --

3 VOICE: Aw, come on.

4 MISS GRAVITZ: -- without the use of their --
5 they're constantly bugging my parents. I'm sure a lot of
6 people in this audience have to constantly cart a carfull of
7 kids and know how much of a pain it is.

8 VOICE: Give us a break.

9 MISS GRAVITZ: Finally, I'd like to conclude, I
10 feel that my social and economic information show there are
11 significant and detrimental impact to the people of the 3rd,
12 11th, and the 19th wards.

13 MR. HARRIS: And, Miss Gravitz, all of this
14 material that you've presented here tonight, was any of it --
15 did you find any of it considered in any way in the State's
16 report?

17 MISS GRAVITZ: No, I'm sorry, I do not.

18 MR. HARRIS: Okay. Thank you. I'd like to
19 call Doctor Ward, please.

20 VOICE: How many similar surveys has she done?

21 MR. HARRIS: I'd like to call Doctor Ward, please.

22 VOICE: Why don't you answer my question? How
23 many similar surveys has she done? This is the public here.

24 VOICE: This is a public hearing, isn't it?

25 MR. HARRIS: Doctor Ward, would you state for the

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1 record your name, please?

2 DOCTOR WARD: Louis B. Ward.

3 MR. HARRIS: Would you state your address, sir?

4 DOCTOR WARD: 43 ^{BECKWITH} ~~Beekus~~ (phonetic) Terrace, in the
5 City.

6 MR. HARRIS: And, would you state for the record
7 your educational background?

8 DOCTOR WARD: Bachelor's of Arts Degree in
9 Cornell and a Medical Doctorate Degree in the State University
10 of New York, College of Medicine, and training in psychiatry
11 and child psychiatry.

12 MR. HARRIS: And who do you work for, sir?

13 DOCTOR WARD: The Convalescent Hospital for
14 Children on Scottsville Road and in the Inner City.

15 MR. HARRIS: And in what capacity?

16 DOCTOR WARD: Chief psychiatrist.

17 MR. HARRIS: And do you have an opinion as to the
18 affect of the road through the park will have upon the
19 people of the 3rd, 11th, and 19th Wards?

20 DOCTOR WARD: Yes, I have an opinion. I'd like to
21 make a statement.

22 MR. HARRIS: Please.

23 DOCTOR WARD: I'll be brief. I've come to speak
24 as a child psychiatrist, as a resident of the City of
25 Rochester for more than thirteen years, and a father. I will

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1 quickly mention the relevance of the second two items and
2 then deal more fully with the first.

3 My four children, ranging from nine to fifteen,
4 and my wife and I have enjoyed many happy hours in the parks
5 of this area, swimming at Menden (phonetic), upper Highland,
6 walking, croquet, picnicking, liberating animals of healed
7 animals at Genesee Valley Park.

8 My family has been fortunate economically and can
9 travel far for its recreation. The more affluence, the
10 larger is one's playground. The very wealthy travel
11 thousands of miles for recreation for their families. The
12 children of the poor have to walk and ride bikes. All that
13 is very well but what is the relevance of child psychiatry
14 to land use? I quote from a 1974 book of Doctor Gerald
15 Kaplan, an internationally known leader in the field of
16 mental health. The volume is entitled "Support Systems in
17 Community Mental Health." "Preventive psychiatry can be
18 considered under three main headings; primary prevention
19 aims at reducing the incidents of new causes of mental dis-
20 order in the population by combating harmful forces which
21 operate in the community and by strengthening the capacity
22 of people to withstand stress. All types of preventive
23 psychiatry focus on the total population and seek to reduce
24 the community rates of mental disorder and its affects. This
25 is the new approach. It contrasts with our old approach

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1 which provided therapists and institutions with responsi-
2 bility was restricted to their individual patients. The
3 Mental Health Program must coordinate its operations with
4 other programs in the community which modify the conditions
5 of life of its citizens, community planning, organization,
6 and coordination are clearly fundamental elements of pre-
7 ventive psychiatry. Although we currently have little
8 definite knowledge of specific factors which are conducive
9 to particular mental disorders, we do have an increasing
10 body of plausible assumptions about generally harmful and
11 healthful influences. On a long term basis, the likelihood
12 of mental disorder is felt to be increased if basic supplies
13 are not adequately provided for the population. These
14 supplies can be classified as physical, psycho-social and
15 social culturally. A program of primary prevention seeks to
16 list these supplies and to insure their optimal provision
17 in the population. Physical supplies include food, shelter,
18 sensory stimulation, opportunities for exercise, and the
19 like. Psycho-social supplies include the stimulation of a
20 person's intellectual and emotional development through
21 personal interaction with significant other people in their
22 families, with peers, and older persons. In the face-to-face
23 interchanges, the person satisfies his needs for love and
24 affection, for limitation, and control, and for participation
25 in joint activity which provides opportunities for

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1 identification and identity formation. Inadequate provision
2 for psycho-social supplies which is conducive to mental
3 disorder occurs if there is no opportunity for a person to
4 build relationships with others, who can satisfy his needs,
5 for instance, if he does not have a stable family. Social
6 cultural supplies include those influences on personality
7 development and functioning which are exerted by the customs
8 and values of the culture and the social structure. The
9 expectation by others of a person's behavior have a profound
10 influence on his actions, and I might parenthetically say to
11 the gentleman who offered earlier, that we should show the
12 beer cans in Genesee Valley Park. I tell you that if we
13 expect beer cans in Genesee Valley Park, we will get beer
14 cans. And the point here is about expectations of people
15 and what they will produce if we expect it.

16 If a person happens to be born into an advantage
17 group and a stable society, his social roles and their
18 expected changes over a lifetime will provide him with
19 adequate opportunities for a healthy personality development.

20 If, on the other hand, he belongs to a disadvan-
21 tagged group, or an unstable society, he may find his progress
22 blocked and he may be deprived of challenge and opportunity,
23 this will have an -- a negative affect on his mental health."
24 All that is quoted from Doctor Kaplan's book.

25 Doctor Kaplan is talking about the quality of

1 life. The quality of childhood. The growth promoting
2 circumstances that are influential on rates of mental dis-
3 order.

4 Basic to healthy family interaction is the try
5 at work, play, and rest in appropriate proportions. Any
6 action taken by the State which affects the resources
7 required for work, play, and rest is ultimately tied to
8 the mental well-being of the citizens.

9 The residents of the southeast portion of the city
10 have made heavy use of the Genesee Valley Park to provide
11 healthy, passive recreation for their families at a reasonable
12 distance from their homes. There is no comparable facility
13 available.

14 My professional career has led me into the lives
15 of hundreds of children and adolescence¹⁵ living in the 3rd and
16 19th Ward. Those youngsters can ill-afford to suffer
17 another loss of a positive factor, especially at this point
18 in our history, where, once again, the tide of economic
19 fortune is going against the urban poor and lower middle-
20 income groups; where the fuel necessary to propel families
21 around the county and the state may well rise to a prohibi-
22 tive cost and where forces of despair and demoralization
23 emerged undermine healthy family life.

24 I urge this body to consider the basic need of
25 the citizens of Rochester in its deliberations and calculate

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1 the potential cost in terms of human potential against
2 possible advantages.

3 Thank you.

4 MR. HARRIS: Doctor, do you have an opinion
5 whether the road through Genesee Valley Park, as it is
6 proposed by the State, would presently have an affect upon
7 the people of the 3rd, 19th and 11th Ward?

8 DOCTOR WARD: I feel, as I've indicated in my
9 prepared statement, that the probable impact of the depriva-
10 tion of this community resource would be a negative influence
11 on the mental health of the citizens.

12 MR. HARRIS: The citizens of those particular
13 wards, specifically?

14 DOCTOR WARD: Yes.

15 MR. HARRIS: In conclusion, I would like to state
16 again that the State, in their preparation of the Environ-
17 mental Impact Statement and their presentation tonight, have
18 failed to take into consideration one of the requirements of
19 law, as I have previously stated, that is the social and
20 economic impact of this roadway upon the people, as we have
21 clearly demonstrated here tonight.

22 I want to thank you. I realize it's been a long
23 presentation.

24 VOICE: It sure has.

25 MR. HARRIS: I want to tell you that none of the

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1 people that were here tonight have been paid. All of them
2 have given up their time, you don't have to agree with them,
3 but I can tell you they're sincere in their belief of the
4 affect upon the public.

5 I want to thank you for your courtesy. Thank you.

6 ~~MR. VAN PATTEN~~ ^{TEN HAGEN}: I think we can probably talk at
7 length in rebuttal to some of Mr. Harris's statements and to
8 some of his witnesses. I think we can say that Mr.
9 Washington and Mr. Howe will be preparing a rebuttal,
10 particularly on Doctor Hewitt's statement regarding this
11 tunnel. We will not go into that at this time. We will try
12 to proceed with our speakers.

13 The first one is Joe Cane. I don't think -- is
14 Joe still here?

15 VOICE: I don't think so.

16 ~~MR. VAN PATTEN~~ ^{TEN HAGEN}: Chris Jacobson? Do you want to
17 use that mike first, over there. I believe that works.

18 MR. JACOBSON: I can raise a little wind, anyway.

19 Regrettably, I don't have a lot of letters after
20 my name. This is as close as I'll ever come to a college
21 education is being here tonight.

22 (Laughter and clapping.)

23 MR. JACOBSON: I'll try to deal the way I've
24 lived, and I'll read this to the best of my limited ability
25 to even read.

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sections involve cost penalties of such magnitude that the trench method is considered not feasible at the subject locations.

A comprehensive study of a tunnel constructed by cut-and-cover methods was made. The details of this construction method are contained in Section E under the heading of "Alternate One".

The second category of tunnel classification refers to those tunnels which are constructed without removing the overlying rock or soil. Usually this category is sub-divided into two groups according to the required construction method. These methods are named to reflect the overall character of the material to be excavated, i.e. hard rock and soft ground. In most cases, hard rock tunneling is less expensive than soft ground tunneling.

✧ From the limited subsurface soil information available in the study area it appears that soft ground tunneling should be avoided at this site. Since the tunnel is located well below ground water level and the soft ground is likely to need immediate and heavy support during construction, extremely expensive soft ground tunneling techniques (most likely shield and compressed air, see Fig. 6) would be required. Further complications would be encountered with soft ground tunneling in the study area because the construction of a tunnel of the required size beneath the Genesee River would involve a "mixed face" (a combination of soft ground and hard rock) heading. Blasting would be required to remove the rock. The maintenance of necessary air pressure and

adequate support in the excavation during blasting operations results in a hazardous and extremely costly operation. Therefore, the studies were directed to alternate schemes which would not include a soft ground tunnel section.

A study was made of a tunnel constructed by mining methods for those portions of the tunnel located in rock, with connections on each end constructed by cut-and-cover methods. Details of this study are included in Section F. under the heading of "Alternate Two."

In recent years, tunnel boring machines have been developed for rapid excavation in rock, (See Fig. 7). The possible use of such a machine at the study area was investigated. To accommodate a three-lane roadway configuration would require a machine of unprecedented size; approximately 49 feet in diameter. Such a machine is estimated to cost about nine million dollars. *

It is not considered reasonable to expect a contractor to be able to capitalize the cost of this expensive, single purpose, highly sophisticated piece of machinery on a project of this size. In addition, the time delay involved in designing and constructing a suitable tunnel boring machine could reduce the savings in

* Cost estimated from "rule of thumb" formula developed by the U.S. Bureau of Reclamation in 1969.

construction time (should the machine perform satisfactorily) to a point where overall progress on the project would not be materially affected. For these reasons, all rock tunnel cost estimates are based on classical excavation methods, without consideration of the use of boring machines.

4. a difficult enough experience for most people without having to cope with acceleration and traffic at the same time. A situation such as this is bound to be a source of accidents.

★ Although the operational problems exist, each of the tunnel alternates is considered workable. During the design of the alternates the Scottsville Road interchange was completely redesigned to reduce the hazards to traffic. Elimination of the operational problems is impossible unless the Scottsville Road interchange can be eliminated.